IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

Bail Appl..No. 2257 of 2007()

(CRIME NO. 5/2007 OF MARAGATTUPILLY POLICE STATION)

PETITIONER/ACCUSED No.2:

SHIJU T.THOMAS,AGED 29 YEARS,
S/O.THOMAS,THEVARKATTIL HOUSE,ELAKAD VILLAGE,
VAYALA KARA,KOTTAYAM DISTRICT.

BY ADV. SRI.M.J.SANTHOSH

RESPONDENT/COMPLAINANT:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSEUCUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 2257/2007

Dated this 13th day of April, 2007

O R D E R

The petitioner, who is the second accused in Crime No.5/2007 of Maragattupilly police station for offences punishable under Sections 294(b), 201 and 109 IPC and also under Section 67 of the Information Technology Act, 2000, seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that the petitioner gave the mobile number of the defacto complainant, a lady, to the first accused on 17.1.2007 and accused Nos. 1 and 2 had send perurian messages to the defacto complainant.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for the purpose of interrogation and then to have his application for bail considered by the Magistrate having jurisdiction. Accordingly, the petitioner shall surrender before the

investigating officer on any day between 19-4-2007 and 21-04-2007 for the purpose of interrogation. The petitioner shall thereafter, be produced on the same day before the Magistrate who shall release the petitioner on bail on appropriate conditions.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs